

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor Pro-tem, Scott A. Belt, on Monday, March 29, 2010 at 7:00 p.m.
ATTENDANCE	Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Absent was Mayor Hanafan, who was accepting an honor at Thomas Jefferson High School. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
PROCLAMATION	Mayor Pro-tem Belt proclaimed the week of April 5 – 9, 2010 as “ <i>Existing Industry Week</i> ”, accepting the proclamation was Greg Halverson, Vice President of the Pottawattamie County Growth Alliance, Chamber of Commerce.
CONSENT AGENDA	Branigan and Head moved and seconded the approval of the consent agenda. Walsh mentioned during Study Session staff was directed to review Item 3G regarding the storm sewer project; Council requested one lane remain open during the project. Unanimous.
PUBLIC HEARINGS	Held Public Hearing, authorizing the Mayor to submit an application for FY2011 State Transit Assistance. Schultz and Walsh moved and seconded approval. Unanimous.
Resolution 10-95	
Resolution 10-96	Held Public Hearing, authorizing disposal of City owned property formerly known as 348 Benton Street, legally described as Lot 13 except triangle on north, Auditor’s Subdivision as part of the S1/2 NE1/4 of Section 25-75-44. Walsh and Belt moved and seconded approval. Unanimous.
Resolution 10-97	Held Public Hearing, authorizing disposal of City owned property formerly known as 2409 7 th Avenue, legally described as Lots 9 and 10, Block 16, Wright’s Addition. Branigan and Walsh moved and seconded approval. Unanimous.
Resolution 10-98	Held Public Hearing, determining an area of the City to be a blighted area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City, designating such area as appropriate for an urban renewal project; and adopting the Nash Boulevard Urban Renewal Plan. Walsh and Branigan moved and seconded approval. Walsh noted the building was abandoned by the previous owner; it’s in a horrible state of repair, a public safety hazard and tax payers will have to bear some of the cost of removing the building but it’s our only option. Belt asked if the City was still in litigation; Wade indicated Castle Development has since withdrawn from the case, although the Supreme Court has given that party time to either continue or drop its appeal which still leaves the tax certificate in play. A decision should be made fairly rapidly regarding Castle Development’s involvement in the litigation; once that takes place arrangements can be made for the demolition. Unanimous.
ORDINANCES ON FIRST READING	
Ordinance 6061	Branigan and Belt moved and seconded approval, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located between South 15 th and South 19 th Streets, from 23 rd Avenue to one-half block south of 28 th Avenue, from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential, to R-1/Single Family Residential, as set forth and defined in Chapters 15.09, 15.10 and 15.08B and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Unanimous.
Ordinance 6062	Belt and Walsh moved and seconded approval, amending the zoning map as adopted by reference in Section 15.02.040 by changing the district designation of approximately 1,058 acres of newly annexed land from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City), as set forth and defined in Chapter 15.05 and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Unanimous.
Ordinance 6063	Belt and Walsh moved and seconded approval, amending Title 13 entitled “Building Construction” by amending in part Chapter 13.27 to be entitled “Swimming Pool, Spa

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and Hot Tub Code" and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Belt mentioned several "trade" ordinances were being passed on to public hearings. Council requested additional information regarding the differences between the 2003 and 2009 codes, the outcome of the Public Hearings will be the deciding factor regarding passage of the ordinances. Unanimous.

Ordinance 6064 Branigan and Head moved and seconded approval, amending Title 13, entitled "Building Construction" by amending Chapter 13.21 which is entitled "Property Maintenance Code" and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Walsh noted Council is adopting the 2009 International Building Code which is published annually; Belt added this adoption would mimic the State Code. Unanimous.

Ordinance 6065 Walsh and Belt moved and seconded approval, amending Title 13 entitled "Building and Construction" by repealing Chapter 13.09 in its entirety and enacting a new Chapter 13.09 to be codified and entitled "Mechanical Code" and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Unanimous.

Ordinance 6066 Branigan and Schultz moved and seconded approval, amending Title 13 entitled "Building and Construction" by amending Chapter 13.26 to be codified and entitled "Fuel Gas Code" and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Unanimous.

Ordinance 6067 Belt and Branigan moved and seconded approval, amending Title 13 entitled, "Building and Construction", by enacting a new Chapter 13.01 to be codified and entitled "Administrative Provisions". Head mentioned having a concern about the change. Heard from Steve Thurman, 602 4th Persia, Iowa, State Certified Water Professional and crew leader for Council Bluffs Water Works. Motion by Head, second by Belt to receive and file documents from Mr. Thurman. Unanimous. Walsh indicated Head represented Mr. Thurman's interests at today's Study Session and added staff was directed to review the licensing process. Belt added modifying the code takes some expertise so there's time to correct the ordinance before it gets passed into law. Unanimous.

Ordinance 6068 Branigan and Head moved and seconded approval, providing that general property taxes levied and collected each year on all property located within the Nash Boulevard Urban Renewal Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Nash Boulevard Urban Renewal Redevelopment Project. Unanimous. Walsh indicated he spoke with individuals prior to the meeting regarding getting the area back to a Residential Use that matches similar uses in the neighborhood. Walsh added the church may want to expand which is a possibility. The Ordinance creates a TIF area and increases the tax base which would help pay part of the demolition expense. The church is a no tax entity and would not pay back the TIF. Walsh noted it's a tough argument to make; if the land was gifted to the Church there would be no tax source. Belt noted there is the need and there are additional expenses to improve the sanitary, storm sewers and streets. Unanimous.

Ordinance 6069 Schultz and Head moved and seconded approval, amending Chapter 3.08 "Beer and Liquor Control" by amending Section 3.08.045 "Exceptions to Section 3.08.040(5)", to include open air taverns as an exception in areas zoned as C-4, with restrictions. Unanimous.

ORDINANCES ON SECOND READING Ordinance 6058

Walsh and Belt moved and seconded approval, amending Title 13 entitled "Building and Construction" by enacting a new Chapter 13.20 entitled "Energy Conservation Code" and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Unanimous.

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- Ordinance 6059 Branigan and Belt moved and seconded approval, amending Chapter 13.12 entitled "Plumbing Code" of Title 13 entitled "Building and Construction" by adding Section 13.12.024 entitled "Administrative Provisions", by adding Section 13.12.026 entitled "Fuel Gas Piping", by adding Section 13.12.028 entitled "Code Amendments", and by deleting Sections 13.12.030 to 13.12.110 and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Unanimous.
- Ordinance 6060 Branigan and Walsh moved and seconded approval, amending Title 13 entitled "Building and Construction" by repealing Chapter 13.16 in its entirety and enacting a new Chapter 13.16 entitled "Electrical Code" and setting a Public Hearing for April 12, 2010 at 7:00 p.m. Unanimous.
- RESOLUTIONS**
- Resolution 10-99 Belt and Branigan moved and seconded approval, amending the Two-Mile Limit Area Policy Agreement between Pottawattamie County and the City of Council Bluffs to adopt a new map and service area locations resulting from annexation. Unanimous.
- Resolution 10-100 Belt and Head moved and seconded approval, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Pilot Travel Center #329, for a violation of Iowa Code Section 453A.2(1). Unanimous.
- Resolution 10-101 Walsh and Belt moved and seconded approval, authorizing the Mayor and City Clerk to enter into an agreement and award contract to Construct, Inc., for the Renovation and Rehabilitation of the HVAC Systems at Community Hall/Central Fire Station and the Council Bluffs Library Project. Walsh mentioned Item 6A regarding "Energy Conservation Code" correlated with Item 7C. Wade indicated a State grant was issued for this item and approval of the project was appropriate. Unanimous.
- Resolution 10-102 Branigan and Head moved and seconded approval, approving the low bid from American Fence Company for the Bahnsen Park Improvements Phase I Fencing Project. Unanimous.
- Resolution 10-103 Branigan and Walsh moved and seconded approval, adopting a revision of the Personnel Policies Manual. Unanimous.
- Resolution 10-104 Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with R. D. Blue Construction, Inc., for the South 1st Neighborhood Rehab., Phase I. Unanimous.
- Resolution 10-105 Branigan and Walsh moved and seconded approval, accepting the work of Godbersen-Smith Construction, Co., in connection with the Parkwood Circle Structure over Indian Creek and authorizing the Finance Director to issue a City check in the amount of \$15,835.22. Unanimous.
- Resolution 10-106 Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with MFT Construction, Inc., for the South 24th Street Improvements, Phase I, from the north property line of Sapp Brothers north to 23rd Avenue. Unanimous.
- Resolution 10-107 Branigan and Walsh moved and seconded approval, authorizing the acquisition of one Toro Reelmaster 5420-D mower for the Parks, Recreation and Public Property Department for maintaining Dodge Riverside Golf Club and directing the Purchasing Officer to purchase the equipment from Midwest Turf and Irrigation for \$39,616.30. Unanimous.
- Resolution 10-108 Branigan and Head moved and seconded approval, amending the future land use map in the 1994 Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22nd Street to North 24th Street from Highway/General Commercial Use to 1 & 2 Family Residential Use. Walsh indicated the land will be zoned single or R-2 Use, but it doesn't prohibit the church from purchasing the land and they could get it zoning properly. This amendment is a more restrictive use and commercial use won't be allowed. Unanimous.

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Resolution 10-109

Walsh and Branigan moved and seconded denial, authorizing the issuance of a Temporary Use Permit to allow outdoor meetings at 94 Jennings Avenue. Heard from Mark Fitch, 11216 Cady Circle, Omaha, in favor of the permit being issued with amendments. Walsh noted this wasn't the intent of the law and to grant an exception for an entire summer isn't the proper use. The change was meant for one-time neighborhood events. Branigan felt it was in the best interest of everyone to deny the permit due to traffic and safety issues and other areas in town would be more conducive to this type of event. Head noted approval of this type of event would start a trend; this was intended for one-time events. Schultz noted he was amenable to a few changes regarding the permit but can't do anything until a vote is taken. Heard from Lyle Ditmars, 233 Pearl Street, representing Norma Tradel, speaking against the permit issuance. Belt added staff's recommendation included an approach, tubing and an access to the property. Schultz agreed with Walsh's comment regarding the limitation of one or two events per week rather than holding six per week. 3 Ayes; 2 Nays (Belt/Schultz).

Resolution 10-110

Branigan and Belt moved and seconded approval, authorizing the abolition of an Account Clerk II position within the Council Bluffs Recycling Center and creation of a new Recycling Clerk position. Unanimous.

MAYOR'S APPOINTMENTS

Walsh and Branigan moved and concurred with the Mayor's recommendation to reappoint Donna Schoppner, Dan Van Houten and Sheila Graham to the City Planning Commission with terms expiring April 1, 2015; and to appoint Nick Gardner and reappoint Matt Garst to the Zoning Board of Adjustment with terms expiring April 1, 2015. Unanimous.

RECEIVE & FILE ITEMS

Walsh and Belt moved and seconded approval of Receive and File Items regarding Items 9A – 9E. 9A. Two (2) Notices of Claim; 9B. Cash Balance Statement, February 28, 2010; 9C. List of Bills, February 28, 2010; 9D. Two (2) Notices of Right of Redemption; 9E. One (1) Offer to Buy – 1010 6th Avenue. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Belt and Head moved and seconded approval of Renewal Applications for Beer/Wine/Liquor & Outdoor Permits regarding Items 10A1 (1-7); 10B (1-3) and 10C (1). 10A1. Buffalo Wild Wings Grill and Bar, 3701 Metro Drive; 10A2. Council Bluffs Country Club, 4500 Piute Street; 10A3. Old River Pizza Company, 3120 Manawa Centre Drive; 10A4. Red Lobster, 3040 Dial Drive; 10A5. Super Saver, 1141 North Broadway; 10A6. T'z 128 West Broadway. 10A7. Tobacco Hut #14, 1925 West Broadway. Salvage Yard Permits 10B1. Alter Metal Recycling, 2603 9th Avenue; 10B2. Council Bluffs Recycling Center, 4441 Gifford Road; 10B3. Ganeeden Metals, LLD, 1301 North 14th Street. Special Event Permit 10C1. Celebrate CB! Parade and Events (May 7 – May 15, 2010). Unanimous.

Council Member Head encouraged everyone to help "Keep CB Beautiful"; bags can be picked up at the Council Bluffs Health Department.

Walsh wished everyone a Happy Easter.

Branigan encouraged citizens to complete their 2010 Census; Walsh added, it's vital and important to City government operations, federal and state funds are allocated and it will also determine if we lose a representative in the United States Congress.

ADJOURNMENT

Belt and Branigan moved and seconded adjournment at 7:41 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan,

Mayor

ATTEST:

Marcia L. Worden,

City Clerk